

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EDWARD R. MONFORT,

Plaintiff,

v.

ADOMANI, INC., a Delaware Corporation;
JAMES L. REYNOLDS; MICHAEL K.
MENEREY; ROBERT E. WILLIAMS;
KEVIN G. KANNING; AND DOES 1-50;

Defendants.

Case No.: 5:18-CV-05211-LHK

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL WITH
PREJUDICE**

ADOMANI, INC., a Delaware corporation,

Counterclaim Plaintiff,

v.

EDWARD R. MONFORT, a Florida resident,

Counterclaim Defendant.

STIPULATION AND ~~PROPOSED~~ ORDER OF DISMISSAL

Case No.: 5:18-CV-05211-LHK

Consistent with the Court's Order to File Stipulation of Dismissal, ECF No. 115, the Court's Order Dismissing Case and Denying Stipulation as Moot, ECF No. 120, and the Settlement Agreement and Release (the "Settlement Agreement") entered into by and between Plaintiff Edward R. Monfort ("Plaintiff") and Defendants ADOMANI, Inc., James L. Reynolds, Michael K. Menerey, Robert E. Williams, Kevin G. Kanning, and Dennis Di Ricco (collectively "Defendants," and all of them together, the "Parties"), the Parties stipulate to dismissal of ADOMANI's counterclaims with prejudice, subject to the approval of the Court, as follows:

WHEREAS, on December 5, 2019, the Parties attended a private mediation and ultimately reached a verbal settlement agreement on December 9, 2019;

WHEREAS, the Parties entered into the Settlement Agreement with an effective date of February 6, 2020, wherein Plaintiff agreed to, *inter alia*, (i) waive any right to appeal, challenge, seek review of, or otherwise attack the Court's dismissal with prejudice of his claims in this action, ECF No. 107, and (ii) waive, release, discharge, and agree to hold harmless Defendants and related parties from any and all claims, causes of action and demands of any kind or nature except as expressly provided in the Settlement Agreement, and Defendants agreed to, *inter alia*, (i) seek dismissal with prejudice of their claims in this action, (ii) waive any right to appeal, challenge, seek review of, or otherwise attack such dismissal with prejudice, and (iii) waive, release, discharge, and agree to hold harmless Plaintiff from any and all claims, causes of action and demands of any kind or nature except as expressly provided in the Settlement Agreement;

WHEREAS, the Parties agreed that each side would bear their own costs and fees in this action;

WHEREAS, all of Plaintiff's claims in this action were dismissed with prejudice by Court order on November 25, 2019, ECF No. 107;

THEREFORE, the Parties respectfully request the Court grant dismissal of ADOMANI's counterclaims with prejudice.

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1 **IT IS STIPULATED**, by and between Plaintiff and Defendants, and by and through
2 their respective counsel, that:

3 1. All of Defendant ADOMANI's counterclaims are dismissed with prejudice,
4 including its counterclaims for (i) breach of employment and release agreement; (ii) declaratory
5 judgment; (iii) breach of fiduciary duty; (iv) wrongful dilution of equity; and (v) conversion.

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1 IT IS SO STIPULATED.

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3 Dated: February 5, 2020

Respectfully Submitted,

JOHNSON FISTEL, LLP

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5 By: /s/ Frank J. Johnson

FRANK J. JOHNSON

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18 *Attorneys for Plaintiff and Counterclaim*
19 *Defendant Edward R. Monfort*

1 Dated: February 5, 2020

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2 By: /s/ Philip M. Guess

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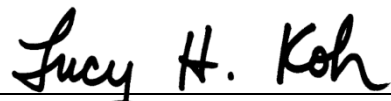
~~PROPOSED~~ ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

IT IS HEREBY ORDERED that ADOMANI's counterclaims asserted in this action are dismissed with prejudice.

IT IS SO ORDERED.

DATED: February 5, 2020



HONORABLE LUCY H. KOH
United States District Judge